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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

IN RE: VOLKSWAGEN "CLEAN DIESEL"  
MARKETING, SALES PRACTICES, AND  
PRODUCTS LIABILITY LITIGATION

MDL No. 2672 CRB (JSC)

This Document Relates To:

ALL ACTIONS

**PLAINTIFFS' RESPONSE TO DEFENDANTS'**  
**STATUS REPORT SUBMITTED**  
**PURSUANT TO PRETRIAL ORDER NO. 1**

Pursuant to the Court's Pretrial Order No. 1 inviting Plaintiffs to respond in writing to Defendants' status report and comments at the initial conference, on behalf of Plaintiffs Duc Truong, Eric Kelly, Dorothy Fajerman, and Camille Zenobia ("Truong Plaintiffs"), undersigned counsel offer the following comment regarding the timing of the Feinberg settlement process contemplated by Defendants.

It has been undersigned's experience that settlement processes that operate outside of the litigation, like the Feinberg process proposed by Defendants, do not lead to global resolution of a matter. Rather, such a process potentially fragments claims and almost guarantees certain litigation, as the easy cases or low-hanging fruit (*e.g.*, consumers desperate to settle) will be settled, but the rest of the cases will remain for litigation. Undersigned believe that a global settlement is possible in this case, and suggest that the Court permit the Plaintiffs' Steering Committee to be constituted and allowed to explore global settlement before the Feinberg process becomes fully operational.

Mr. Feinberg is an experienced and capable mediator, and undersigned agree that consumers in exigent circumstances need to get relief quickly and that the process Mr. Feinberg ultimately puts in place is likely to do this. However, the result of such a process, if it is not a comprehensive settlement, will likely prolong and complicate any global resolution of the matter.

Accordingly, undersigned ask the Court to consider allowing the Plaintiffs' Steering Committee to explore global settlement possibilities before the launch of the Feinberg process.

Dated: December 23, 2015

Respectfully submitted,

By: /s/ Allan Kanner  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 23, 2015, I electronically transmitted the attached document to the Court Clerk using the ECF System for filing. The Clerk of the Court will transmit a Notice of Electronic Filing to all ECF registrants.

/s/ Allan Kanner

ALLAN KANNER